

REMARKS

Claims 1-20 are pending. By this Amendment, no claims are cancelled, claims 1, 7, 9, 12, 14, 16 and 19 are amended and no new claims are added.

Claim Rejections – 35 U.S.C. § 112

Claims 19 and 20 stand rejected under 35 U.S.C. § 112 because the Examiner noticed that “the medial frame” in claim 19, line 2, lacked proper antecedent basis. Claim 19 has been rewritten to overcome the rejection by removing the quoted text and replacing it with a clearer statement of the step of the method. Claims 19 and 20, which depend from claim 19 are believed to now be in condition for allowance. This Amendment is made for the technical purpose of stating the method of using words for which a proper antecedent basis is recited and specifically does not limit or narrow the scope of the claim. It is to be understood that the Amendments to claims 1, 7, 9, 12, 14 and 16 requested herein are, likewise, not made with the intent to limit the scope of the invention, but to clarify the text and render the claims easier to read and comprehend in light of the arguments made in the preceding paragraphs. The Examiner has found that claims 19 and 20 would be allowable if rewritten to overcome the rejection of claim 19 under 35 U.S.C. § 112. Accordingly, claim 19 has been rewritten to correct the informality identified by the Examiner.

The Examiner has found that claims 9, 10, 12-15 and 18 would be allowable if the base claims from which the recited claims depend were allowed by the withdrawal of the Examiner's rejection of the base claims by Applicant's amendment to the base claims to render them allowable or by rewriting the claims to include the base claims and all intervening dependent claims. Applicant believes that the additional elements recited in amendments to claims 1, 7, 14 and 16 render them and all claims depending from them allowable, and that the clarifying amendments to claims 9, 12 and 19 now render all claims allowable.

In view of the foregoing, expeditious reconsideration and prompt issuance of a formal Notice of Allowance is respectfully requested.

The Examiner is invited to telephone the undersigned attorney to resolve any other matters requiring consideration prior to the issuance of a Notice of Allowance.

Claim Rejections – 35 U.S.C. § 102

Examiner has rejected claims 1-5 under 35 U.S.C. § 102(b). Although the Examiner has taken the position that Bouwer et al. (4,890,801) anticipates claims 1-5. A careful examination of the reference shows that Brouwer et al., does not reveal or teach arms that position the roll of sod between the front wheels as disclosed by the applicant herein.

Positioning the roll between the roll between the front wheels is an important feature developed by the applicant because it makes it possible to position the roll without the necessity of including counterweights at the rear of the vehicle.

The Examiner has rejected claims 1-5 under 35 U.S.C. § 102(b). Although the Examiner has taken the position that Zamboni (4,084,763) anticipates claims 1-5. A careful examination of that reference shows that Zamboni does not have a machine that can unroll sod. The Zamboni disclosure is for unrolling textiles (artificial turf) and unrolls material only when traveling backwards. Most importantly, the Zamboni reference further does not teach the ability of a machine to adjust the distance between the arms to accommodate rolls having different widths. Zamboni only shows how to move a single roll from side to side, a feature that is unimportant for the present machine disclosed by the Applicant.

Claims 1-8, 11, 16 and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Miller (6,213,218). Miller does not teach the ability of a machine to adjust the distance between the arms to accommodate rolls having different widths. In fact, the Miller references teaches away from adjustable arm separation distance by including provisions for re-positioning the front wheels from outside the telescoping frame to inside of it. Accordingly, Miller does not anticipate the invention of the present disclosure.

Claim Rejections – 35 U.S.C. § 103

The Examiner has taken the position that claims 6, 7, 8, 11, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable under Brouwer in view of Zvolanek (5,518,079). Applicant has carefully reviewed the references cited by the Examiner and finds that there is no suggestion in either reference that the two be combined to yield the invention disclosed and claimed by the Applicant herein. The Court of Appeals for the Federal Circuit has recently considered the requirements for establishing that an invention is unpatentable due to obviousness, and has provided the following guidance for Applicants and the Patent and Trademark Office in its decision captioned *In re: Rouffet*, Fed. Cir. Case No. 97-1492, concerning Application No. 07/888,791, decided July 15, 1998 as follows:

"Most, if not all, inventions are combinations and mostly of old elements." Therefore, an Examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an Examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be "an illogical and inappropriate process by which to determine patentability."

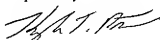
The current Office Action has stated no motivation to combine references, nor has the Office Action show how facts arising out of any of the "three possible sources of motivation to combine references: The nature of the problem to be solved, the teachings of the prior art and the knowledge of persons of ordinary skill in the art" *Id.* would actually motivate, suggest or give reasons to combined the Dubin and Bohanon references to yield the claimed invention.

It is requested that the Examiner kindly withdraw the rejections of Applicant's claims on the basis that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) is neither established based on the combination of the two references, nor on the combination of any references present in the record of this case. Regardless of whether or not a *prima facie* case of obviousness has been made, Applicant requests that the Examiner kindly withdraw the rejections of Applicant's claims on the basis that as established by the arguments and evidence above, all of the claims of this application should be seen to clearly define an invention supported by this specification, and to be patentable over Brouwer and Zvolanek and over all of the art of record.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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